

REMARKS

A. Outstanding Action

Claims 3, 13-14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1-5, 9-17, 19, 41-47, 49 were rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. 3,306,252.

B. Status Of Claims

Claims 1-5, 9-17, 19, 41-47 and 49 were pending in the application prior to the instant Amendment.

Claims 2-5, 15-17, 19, 45-47 and 49 have been canceled without prejudice or disclaimer.

Claims 1, 8-14 and 41-44 are now pending.

C. Independent Claim 1

Independent claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. 3,306,252. Knight et al. 3,306,252, discloses a container 11, a hood 13, a fitting 38 and a cam 51. The cam 51 is inserted within the cap 23. The hood 13 engages with the cam 51 enabling and to prevent actuation of the dispenser. It should be noted the container 11 is a conventional container and plays no part in the enabling or preventing actuation of the dispenser. Furthermore, the indicia "OPEN" located on the container 11 is illustrated as a printed indicia.

Claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, claim 1 has been amended to recite a container said

container locator extending radially outwardly from the aerosol container.

Knight et al. 3,306,252 fails to show, suggest or teach a container locator extending radially outwardly from the aerosol container. Knight et al. 3,306,252 merely shows a conventional container well known in the art.

D. Dependent Claims 8 and 9

Dependent claim 8 and 9 are dependent upon independent claim 1 and would be allowable upon the allowance of independent claim 1.

E. Independent Claim 10

Independent claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. Independent claim 10 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, independent claim 10 has been amended to recite a key aperture integrally formed in the container neck of the aerosol container and a key integrally formed in said actuator. Knight et al. 3,306,252 fails to disclose, suggest or teach a key aperture integrally formed in the container neck of the aerosol container. Knight et al. 3,306,252 merely shows a conventional container well known in the art.

F. Independent Claim 11

Independent claim 11 was rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. Independent claim 11 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, independent claim 11 has been amended to recite a key aperture integrally molded into one of the container neck of the aerosol container and said

aerosol cap as a one piece unit. Knight et al. 3,306,252 fails to disclose, suggest or teach a key aperture integrally formed in the container neck of the aerosol container. Knight et al. 3,306,252 merely shows a conventional container well known in the art.

G. Independent Claim 12

Independent claim 12 was rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. Independent claim 12 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, independent claim 12 has been amended to recite a container locator extending radially outwardly from the aerosol container and an aerosol cap locator extending radially inwardly from the aerosol cap for cooperating with the container locator for locating the aerosol cap in the first rotational position relative to the aerosol container.

Knight et al. 3,306,252 fails to disclose, suggest or teach a key aperture integrally formed in the container neck of the aerosol container. Knight et al. 3,306,252 merely shows a conventional container well known in the art.

H. Dependent Claims 13 and 14

Dependent claim 13 and 14 are dependent upon independent claim 12 and would be allowable upon the allowance of independent claim 12.

I. Independent Claim 41

Independent claim 41 was rejected under 35 U.S.C. 102(b) as being anticipated by Knight et al. Independent claim 41 has been amended to more particularly point out and distinctly claim the subject matter of the invention. More specifically, independent claim 41 has been amended to recite

a container locator integrally molded into the aerosol container to extend radially outwardly from the aerosol container. The aerosol cap locator is integrally molded into aerosol cap locator to extend radially inwardly from the aerosol cap.

Knight et al. 3,306,252 fails to disclose, suggest or teach a key aperture integrally formed in the container neck of the aerosol container. Knight et al. 3,306,252 merely shows a conventional container well known in the art.

J. Dependent Claims 42-44

Dependent claim 42-44 are dependent upon independent claim 12 and would be allowable upon the allowance of independent claim 41.

K. Precautionary Request for an Extension of Time

In the event the present filing is not timely filed, applicant request an Extension of Time for an appropriate period of time. Please charge Deposit Account No. 06-2120 for the fees for any Extension of Time.

L. Additional Fees

Please charge Deposit Account No. 06-2120 for the fees for any additional claims, an Extension of Time, Citation of Prior Art, Petitions, Terminal Disclaimers or any other fee arising out of this correspondence.

Applicant verily believes that all claims are now in condition for allowance and favorable action is respectfully requested. The undersigned attorney of record cordially invites any telephonic communications from the examiner that may assist the examiner in the examination and to expedite the

allowance and issuance of Letters Patent on the subject invention.

Respectfully submitted,

FRIJOUF, RUST & PYLE, P.A.



Robert F. Frijouf, Reg. No. 26,546
201 East Davis Blvd Boulevard
Tampa, Florida 33606
813.254.5100 phone
813.254.5400 facsimile
frijouf@frijouf.com email
Attorneys for Applicant

Deposit Account

Please charge our account any deficiency in fees or credit any over payment arising out of this correspondence to Deposit Account No. 06-2120.

Certificate of Mailing

It is hereby certified that the foregoing correspondence and fee is being placed in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 and mailed by first class mail, postage prepaid, this 29th day of October, 2007.

